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May 25, 2005

Michigan Supreme Court
Michigan Hall of Justice
925 W. Ottawa
P.O. Box 30052
Lansing, MI 48909

RE: **Proposed Changes to Michigan Rules of Professional Conduct
and Michigan Standards for Imposing Lawyer Sanctions**

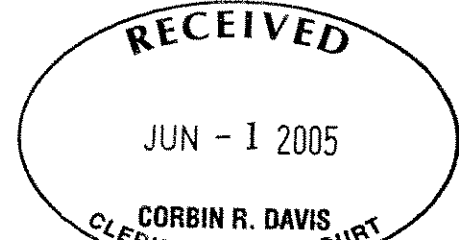
Dear Justices:

I am sure you have each read and studied the numerous articles and comments criticizing the proposed changes. The purpose of this letter is not to go into a detailed discussion again concerning each of the proposed changes and how it makes the practice of law ever more difficult.

I have the following comments:

1. It seems like there is an army of people working full time to change the law in almost all of its areas. Obviously lawyer discipline and the rules of practice have not escaped this trend. The result, of course, is disruptive. No sooner does a lawyer learn the current rules but then is faced with having to learn a new set. This is the antithesis of the philosophy that stare decisis has important benefits to the practitioner and the client.

What is so terribly wrong with the existing rules and standards governing lawyer conduct that they should require wholesale changes?



2. The best relationships that exist between a lawyer and a client are those that are based on trust. For some considerable period of time it has become necessary for the lawyers to enter into long complicated fee agreements with their clients solely for the purpose of protecting themselves from malpractice or grievance claims. The proposed new rules only make the situation worse. For example, no matter what potential conflict might be envisaged if a lawyer were to take a client's case the proposed rule change would require that a client consent in writing to a waiver of the conflict. If the client acknowledges he actually waived the conflict and consents to the representation orally, the conflict is still not deemed waived by the rules.

I submit that requiring clients to sign innumerable documents, waivers, consents, etc., etc., fosters distrust between a lawyer and a client rather than the opposite.

3. Many of the proposed rule changes make it appear that the lawyer is presumed guilty until proven innocent. Instead of assuming that the lawyer has performed his representation of the client in a proper manner, the burden appears to be shifted to the lawyer to prove that he did nothing wrong.
4. No matter how ethical a lawyer's practice may be, everyone must agree that the government is intruding more and more into the lives and confidential relationships between lawyers and clients. In this instance, it is you who are the government.

Is it any wonder that lawyers in general and older lawyers in particular are disenchanted with the noble profession and are quitting it in droves. Is it any wonder that clients, even when they desperately need legal representation, want to avoid hiring lawyers at all costs? Is it any wonder that clients feel they can't trust their lawyers?

5. If the motive for these changes is to grant further protection to the client, I suggest that you are not only doing a gross disservice to the vast majority of lawyers who practice and need no more rules and regulations, but you are also in the process making things more difficult and expensive for the client.

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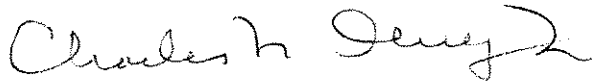
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I urge that you reject amending any of the current long standing rules of professional conduct except, and unless, it is manifestly necessary to effectuate a change to solve a serious problem that afflicts the profession as a whole.

Thank you for your consideration.

Very truly yours,

RIZZO, BRYAN & BROWNLEY, P.C.

A handwritten signature in cursive script, appearing to read "Charles N. Dewey, Jr.", written in dark ink.

Charles N. Dewey, Jr.

CND:ks